

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**RIO PIEDRAS EXPLOSION
LITIGATION**

**Consolidated Case
Civil No. 96-2443(JAF)**

ORDER

This Court has reviewed the contents of the Status Conference Report and Orders issued on August 4, 2004, and September 13, 2004. Cognizant of the voluminous records and reports reviewed by members of the PSC; Sigfredo Vélez, Vice President and Sub-Director, Trust Division, Banco Santander; Héctor Sánchez-Moll, Accountant for PSC, and the fact they have attended and actively participated at meetings with Magistrate-Judge Aida M. Delgado-Colón, it may be concluded that this case has reached its final stage.

In order to efficiently dispose of pending matters, this Court has endeavored in identifying means through which all monies available are distributed among all plaintiffs, without exception, giving consideration to percentages and procedures previously outlined and implemented by District Judge Robert J. Ward, which have proven not only fair but efficient. Consideration has also been given to the implementation of procedures through which proper notice is given to all plaintiffs regarding the total amounts subject to distribution, procedures for allocating interests earned as well as deductions to cover litigation expenses and attorneys' fees, schedule and procedure for the disbursement of the final payments to plaintiffs, amounts to be consigned in

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state court and periods and procedures through which plaintiffs may request any final payment to which they may be entitled.

Benefitting plaintiffs by designing a reliable methodology to ensure proper distribution of available funds while securing fairness, judicial economy and justice are goals that have defined the parameters for Court action.

Therefore, it is **ORDERED** as follows:

A. Disbursement of Available Funds to Plaintiffs

The procedure outlined in the September 20, 2004 Conference Report and Order for the disbursement of funds available to plaintiffs is **APPROVED** and **ADOPTED**.

Banco Santander and CPA Sánchez-Moll are to ensure that all checks are properly issued identifying the payees and classifying such payments per case(s) and attorney. All checks are to be consigned for subsequent distribution with the Clerk of Court at the U.S. District Court for the District of Puerto Rico.

The Clerk of Court is to adopt proper mechanisms to process all payment claims and disbursements.

B. Amounts Payable to Fenix de Puerto Rico

Magistrate-Judge Aida M. Delgado-Colón issued a Conference Report on September 20, 2004, wherein it is recommended that the Stipulation entered between the PSC and Fenix de Puerto Rico be adopted.

Since all concerned parties have executed a written stipulation requesting the Court's endorsement of the contents of said stipulation, the same is **APPROVED** and the parties' request is **GRANTED**.

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Banco Santander and CPA Sánchez-Mollare to take notice of the contents of the Sealed Stipulation and proceed to issue payments in accordance therewith.

C. Initial Assessment Fees

Considering that the term provided to individual attorneys to request reimbursement of the initial assessment fees paid has expired (by August 16, 2004), any pending balance within said account or any such amounts are to be forfeited and distributed/allocated to plaintiffs.

Banco Santander is **ORDERED** to proceed accordingly.

D. Monies Allocated to Joyería Super Precios

The recommendation to grant the request at **Docket No. 3710** filed on December 4, 2003, by John Zerbee, Chapter 7 Trustee, is **ADOPTED**.

Accordingly, the Trustee's motion is **GRANTED** and Banco Santander will proceed to release the funds deposited within the special escrow account and all interests accrued to the Trustee/Joyería Super Precios.¹

E. Amounts Deposited With the Clerk of Court, U.S. District Court for the District of Puerto Rico

Inasmuch as the accountants in charge have provided sound and detailed information regarding the amounts that were to be consigned with the Clerk of Court (that relate to the expenses and attorney's fees), the Clerk of Court is authorized to disburse to Banco Santander the sum of \$64,734.00.

¹ It is understood that from the original settlement amounts awarded deductions for payment of attorney's fees have been made and that at this stage the Trustee does not object but rather consents to such deductions and payments.

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Banco Santander will proceed to deposit said amounts within the private/global settlement accounts within its custody for subsequent distribution.

F. Plaintiffs Dominga Díaz-Velez, Felipe Trinidad-Sanchez and Carmen Pastrana-Lebrón

Pursuant to the recommendation issued on September 20, 2004, the amount of \$6,000.00 is to be considered and disposed of as the 5% and 10% contributions attributable to plaintiffs Díaz-Vélez and Trinidad-Sanchez. The record reflects these deductions were made in August 2003 from the amounts awarded to plaintiffs and the record is void of any objections to such deductions or any other claims in such regard.

More so, pursuant to the February 4, 1999 Order issued by Superior Judge José Rodríguez-Viejo, which is consistent with the terms and conditions set by District Judge Robert J. Ward, a 5% Expense deduction is to be made from the amounts awarded to plaintiff Pastrana-Lebrón.

The Clerk of Court, Banco Santander, Members of the PSC, and CPA Sánchez-Moll are to take notice of the contents of this Order and proceed accordingly.

Copy of this Order and copy of the Conference Reports and Order(s) issued by Magistrate-Judge Aida M. Delgado-Colón on August 4, 2004, and September 20, 2004, are to be provided to the Honorable Héctor López-García, Superior Court Judge, Court of First Instance, San Juan, Puerto Rico.

At San Juan, Puerto Rico, this 21st day of September, 2004.

s/José Antonio Fusté
José Antonio Fusté
Chief United States District Judge